

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Crl.Rev.Pet.No. 843 of 2005(A)

CC.166/2002 of JUDL. MAGISTRATE OF FIRST CLASS-V, KOZHIKODE

REVN. PETITIONER: COMPLAINANT

T.P.BABY, D/O.PUTHIYANDI,
NETTANKUZHI HOUSE, OLAVATTOOR P.O.,
KONDOTTY, MALAPPURAM, DISTRICT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: ACCUSED & STATE

1. C.P.DASAN, S/O.KARIYATHAN,
CHEVILARI THAZHAM HOUSE,
KOLANGARATHAZHAM, FEROKE.
2. KARTHIYAYANI, D/O.INTHAYI,
KORANKUTTAKAYIL VEEDU, MANNUR.
3. KAALI, W/O.KARIYATHAN,
CHEMBILARI THAZHE HOUSE,
KOLANGARATHAZHAM, FEROKE COLLEGE.
4. SUBRAMANIAN, S/O.INTHAAYI, ATHIPARAMBATH
MANNUR.
5. GANGHADGARAN, S/O.INTHAAYI,
ATHIPARAMBATH, KORANKUTTAKAYIL VEEDU,
MANNUR.
6. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH
SRI.V.V.SURENDRAN
SRI.P.A.HARISH
SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 843 OF 2005

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Dated this the 29th day of March 2007

O R D E R

The revision petitioner is the complainant in C.C. No.166/2002 who had initiated proceedings under Section 494 IPC. The accused was discharged under section 249 Cr.P.C as the complainant was absent and there was no representation. It is the case of the revision petitioner that he happened to be absent on account of a mistake in noting the posting date.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further pursue the matter. The revision petitioner shall appear before Judicial First Class Magistrate-V, Kozhikode on **25.04.2007.**

The Crl.R.P is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

